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STATINTL

5-2- A Sunday at home.



Re" the attached Letter- page 2,  
last para.---- How is the public to be  
"fully and adequately advised".

Haven't the CIA Category I cases gone  
to Justice.....

It was good seeing you in the sack looking  
rested. You are missed around here

( I mean out there)....

Holler if I can do anything.

Best,



GB

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April 30, 1976

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Mr. John O. Marsh, Jr.  
Counsellor to the President  
The White House  
Washington, D. C. 20500

Dear Jack:

H. L. Mencken, who was never one to understate a point, said -

Injustice is relatively easy to bear;  
it is justice that hurts.

Last week, before I was sidetracked, I tried to make the point at Thursday's ICG meeting that the Ford Administration should put together a government-wide program aimed at attempting to redress the wrongs involved in the FBI's COINTELPRO, the CIA's CHAOS and the IRS' SSS Programs as well as similar unpublicized programs conducted within the Executive Branch. This should be done by the Executive Branch because the public should look to the Executive Branch to take the lead in doing the "right thing." The public should not feel that its only rights to petition are to the Congress, the courts or the newspapers to seek that which is right, proper and just.

ARNOLD & PORTER

Mr. John O. Marsh, Jr.

April 30, 1976

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The "wrongs" I refer to run the gamut from possible murders growing out of COINTELPRO efforts to discredit rival members of black groups to the IRS' targeting its former chief counsel because of his political and ideological beliefs.

"Redressing" the wrongs does not necessarily mean that the same action should be taken in each instance. For example, where the COINTELPRO effort caused a person to lose his job and suffer actual damages, I would put this wrong in category one. If the wrong in question was the mere improper holding by the CIA or IRS of a file containing derogatory information on an American, I would put this in category two. (This presupposes that absolutely no action was taken with respect to such information).

✓ With respect to category one material, I would recommend the development of a "reparations commission." In other words, treat these acts as war crimes; crimes against humanity. To the extent that redress can be accomplished by an agreed upon amount of dollars, it should be done. If not, then perhaps the courts will have to decide the issue of damages. In any event, as to category one material, the victim should be notified by the United States Attorney and the full file made available to that person for whatever action he deems appropriate.

As to category two materials, I would insure that the public was fully and adequately advised that such files had in fact been maintained and that if they wish to review the files -- particularly to determine whether they had in fact been harmed -- such a review could be accomplished by writing to one central location within the Federal government. This review process would continue for one year from the outset of such a program and thereafter the files would be destroyed.

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Finally, as to some of the counterarguments. You have been and doubtless will be told that such a program will stir up unnecessary litigation and that we should try to look to the future. That's all well and good, but it smacks of coverup and hardly recompenses the citizen whose life has been damaged by official lawlessness. You will also be told that such a program may violate the Privacy Act. This is pure nonsense and should sit like cotton in the mouths of those who argue it. Lastly, you will be told that the various agencies have looked into these matters very carefully and have determined that with the exception of certain COINTELPRO activities, there are no category one issues. I would be very leery of such self-inspection. Lots of Virginia homilies quickly come to mind about foxes and chickens so that the point need not be dwelled on too extensively. Rather, I would suggest that an intergovernmental body of inquiry be set up to insure that the "right thing has been done."

From my bedside I find the Senate Select Committee's volume on "Intelligence Activities and the Rights of Americans" as causing an enormous rise in my blood pressure. We should not allow such matters to go unheeded, particularly when we know that the Senate Select Committee's report was never intended to detail the inventory of improper activities conducted in the name of national security. Most of all, the Executive Branch should not be dragged into the Twentieth Century by court orders. It should demonstrate the majesty and dignity of our government.

Cheers,

CCS: Attorney Gen. Edward Levi  
Ass't Attorney Gen. Rex Lee  
Philip Buchen, Esq.  
Mr. George Bush  
Mike Duval, Esquire

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Mr. Bush

~~Ben~~ : you should have copy of this for proper distribution.

Please copy my note and send it to   
at hospital or house. *Done.*

Does it need classification.? *per OGC, No*

Be sure OGC sees incoming and outgoing. *Done.*

GB 5-2

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